

**MINUTES OF THE FORMAL MEETING OF THE JOHNSON COUNTY BOARD
OF SUPERVISORS:
JULY 30, 2009**

Subject to approval by the Board of Supervisors at a subsequent meeting.

Chairperson Neuzil called the Johnson County Board of Supervisors to order in the Johnson County Administration Building at 9:00 a.m. Members present were: Pat Harney, Larry Meyers, Terrence Neuzil, Sally Stutsman, and Rod Sullivan.

Unless otherwise noted, all actions were taken unanimously.

Motion by Stutsman, second by Sullivan, to approve the claims on the Auditor's Claim Register, as approved by a majority of the Supervisors.

Motion by Sullivan, second by Meyers, to approve the minutes of the formal meeting of July 23, 2009.

Motion by Harney, second by Stutsman, to approve the payroll authorizations submitted by department heads, as approved by a majority of the Supervisors.

Motion by Sullivan, second by Stutsman, to accept and place on file the Sheriff's Condemnation Report for Fiscal Year 2008 - 2009.

Convened at 9:02 a.m., a **Joint Public Hearing before the Johnson County Board of Supervisors and Cedar County Board of Supervisors regarding vacation of portion of the Level B Section of Roadway, Johnson-Cedar County Line Road**, located in Section 13, Township 81 North, Range 5 West in Cedar Township more particularly described as: Commencing at the Northeast corner of the Southeast quarter of said Section 13; thence North along the East line of the Northeast quarter of said Section 13 a distance of 80 feet to a point of intersection with the centerline of said Johnson-Cedar County Line Road and the Point of Beginning of the herein described centerline; thence continuing Westerly and Northerly coincident with the centerline of said Johnson-Cedar County Line Road a distance of 1200 feet more or less to a point of intersection with the Southerly right-of-way line of 145th Street and the end of the herein described centerline. The Johnson-Cedar County Line Road is 66 feet in width. The sidelines of said Road are to be extended or shortened to terminate at the South right-of-way line of said 145th Street and at the East line of the Northeast quarter of said Section 13.

Cedar County Supervisors present were: Jon Bell, Wayne Deerberg, Dennis Boedeker, LeRoy Moeller, and Dennis Weih. Staff present was Board Administrative Manager Bev Penningroth.

County Engineer Greg Parker said the removal of the bridge in Cedar County on the road east of the proposed vacation caused the adjacent resident to access the Level B

portion of the road. He said that a few years ago it came to his attention that for years a former Secondary Roads employee had been providing unauthorized road maintenance on this section of roadway. After this person's retirement, Parker received requests from the Cedar County resident east of the road for an increased level of service on a Level "B" road. He said if both Boards approve the road vacation, the property east and west of the centerline will revert back to the adjoining property owners.

Cedar County Engineer Robert Fangmann said Cedar County has a 28E agreement with Johnson County for Johnson County to maintain this section of the road. Stutsman asked if the 28E agreement includes any financial exchange between Cedar and Johnson County. Parker said no, but the counties do trade off sections of roadway to maintain. Sullivan said this is a unique situation because the Cedar County resident cannot get to her home without traveling on a Johnson County road.

Michelle Platt spoke at length against the vacation. She noted that she did not object to closing the bridge because the Level B section of road had been maintained for 15 years with no problems. She offered to work with the County and referenced the proposal in the letter she submitted. Harney asked Platt if the graveled road section was in Cedar County prior to removing the bridge. Platt said the gravel was on the Level B portion in both counties and extended east over the bridge.

Stutsman asked how long this road has been a Level B road. Fangmann said since 1983 and Parker said since 1983-84. Stutsman asked when Cedar County vacated the bridge. Fangmann said in 1997. Harney asked if an agreement was created when the bridge was closed for Johnson County to maintain the access to Platt's property through Johnson County's portion of the road. Parker and Fangmann said they are unaware of any such agreement.

Dale Graff of Iowa Telecom informed the Board that a cable is installed on that portion of road and he wanted assurance that his utility company would continue to have access.

Ardeth Wray spoke against the vacation. She said if this road is vacated she will claim damages in the amount of \$1,000 per year for the next 20 years.

Neuzil asked if the Boards of Supervisors of Cedar and Johnson County must jointly agree to the road vacation. County Attorney Janet Lyness said the Iowa Code is unclear, and she will research that question. Neuzil asked Parker to review the options. One option would be to vacate the road. The second option would be to not vacate and the County would provide Level B minimal maintenance. Parker said maintenance would depend on whether equipment could safely go into the Level B section. He said they would need to ask the abutting property owners to keep trees trimmed back from the road. Neuzil asked Parker if another option would be to allow the residents at their expense to put gravel on the Level B road. Parker said that would be a Board decision.

Sullivan said his understanding is that the prior employee provided a level of service higher than authorized for a Level B road, and the residents now expect the same level of service. Both Platt and Wray said they had cleared overhanging trees a year ago and no maintenance has been done by the County since.

Cedar County Supervisor LeRoy Moeller asked Platt if the tenant on her property is a full-time renter. Platt said yes and she has a second residence there. Moeller said he is concerned about access for emergency response vehicles. He asked Platt how long the gravel currently on the road would last and Platt said a couple of years. Fangmann reviewed maintenance policies for Level B roads in Cedar County, which requires property owners pay for rock, remove trees, and be responsible for snow removal.

Stutsman clarified that a road vacation means the County does not maintain an interest in the road, but the road may still remain as a private driveway. She is reluctant to make exceptions on maintenance policies for one property owner, because that would be unfair to county residents on other Level B roads.

Harney asked if the Board vacates the road, what can be done if the two property owners disagree on road maintenance and what needs to happen for utilities. Parker said utility easements should be created as part of the road vacation. Parker said property owners are entitled to close their half of the road and fence off their lane. He said a communal agreement between property owners to maintain road access is recommended. Sullivan clarified that Iowa law requires access to property. Parker said there would be access to properties, but not necessarily at the same location. Fangmann concurred with Platt's statement that the portion of the road in Cedar County was a gravel-maintained road before the bridge was removed. Moeller said that section of road was flood-prone and they raised and rebuilt the road from the driveway east of the bridge going to the east per an agreement with the property owners.

Both Boards decided to follow up the public hearing with a joint meeting at Tipton of the Cedar County Supervisors and Johnson County Supervisors to review the road vacation proposal.

Public Hearing closed at 9:53 a.m.

Motion by Stutsman, second by Harney, to approve and authorize the Chairperson to sign the revised Bank Escrow Agreement (Conditional Use Permit No. CU00002) between Johnson County, Iowa, S & G Materials and American Bank and Trust allowing S & G Materials to purchase replacement certificates of deposit.

Motion by Stutsman, second by Sullivan, to approve and authorize the Chairperson to sign the 28E agreement between Johnson County and the City of Hills for Construction Costs for Oakcrest Hill Road SE.

Motion by Stutsman, second by Meyers, to approve entering into a new Decategorization contract with the Iowa Department of Human Services in the amount of \$52,000 to support the Focus on Youth Fund.

Motion by Sullivan, second by Stutsman, to approve creating a non-bargaining part-time Social Services Program Assistant, which will be 100% funded by State Decategorization funds, to administer the Focus on Youth Fund.

Motion by Meyers, second by Stutsman, to approve amending the current Decategorization contract, DCAT 7-09-029, to add \$9,000 to support Decategorization Coordination provided by Johnson County Social Services, for a total contract value of \$17,000.

RESOLUTION 07-30-09-01

RESOLUTION NAMING THE US HIGHWAY 6 BRIDGE IN JOHNSON COUNTY AND THE CITY OF IOWA CITY THE BRIGADIER GENERAL JOHN CORSE BRIDGE

Whereas, the State of Iowa and this community's sons defended the freedoms of the United States of America and its sacred Union during the American Civil War of 1861-65, and

Whereas, the sacrifice and pride of Iowa's veterans are deserving of recognition, and

Whereas, Johnson County desires to participate in such recognition by approving the designation and commemoration of the US Highway 6 Bridge,

Now, therefore, be it resolved, by the Johnson County Board of Supervisors that support is hereby given for designation and appropriate signing of the US Highway 6 Bridge as:

THE BRIGADIER GENERAL JOHN CORSE MEMORIAL BRIDGE.

Motion by Stutsman, second by Sullivan, to approve Resolution 07-30-09-01.

Motion by Sullivan, second by Meyers, to approve and authorize the Chairperson to sign a letter of support to the North Liberty Community Library for a grant application to Iowa Network Services Charity Grant Program for two barcode scanners and one computer.

Motion by Stutsman, second by Sullivan, to approve the I-JOBS grant application for razing of the National Guard Armory building, installation of parking lot, and green space.

Motion by Stutsman, second by Sullivan, to appoint Randy Lackender to the Johnson County Building Code Board of Appeals for a term expiring December 31, 2012.

Motion by Stutsman, second by Sullivan, to approve and authorize the Chairperson to send Paul Osterholt a letter of appreciation and certificate for serving on the Building Code Board of Appeals.

Adjourned to Informal meeting at 10:05 a.m.

Terrence Neuzil, Chair, Board of Supervisors

Attest: Tom Slockett, Auditor

By:

On the _____ day of _____, 2009

By Nancy Tomkovicz, Recording Secretary

These minutes were sent for publication and formal approval on August 6, 2009.

Sent to the Board of Supervisors on August 3, 2009 at 10:45 a.m.